

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS.**

Claims 6-19 are pending. Claims 6, 10, 11, 15, 16 and 19 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 6-19 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,701,386 to Yoneyama (hereinafter, merely “Yoneyama”) in view of U.S. Patent No. 6,028,726 to Yanagihara (hereinafter, merely “Yanagihara”).

Yanagihara is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Yanagihara and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation.

Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Yanagihara is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Yanagihara in the above-noted Office Action are overcome.

Therefore, Applicants submit that claims 6-19 are patentable.

**CONCLUSION**

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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